

REMARKS

I. Status of the Application

Claims were pending in this application as of the July 24, 2008 Office action. In the July 24, 2008 Office action, the examiner rejected claims 1-4, 6-13, 15-21, 23, 24 and 25 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,371,958 to Overaker (hereinafter "Overaker"). In addition, the examiner rejected claims 1-4, 6 and 7 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0119177 to Bowman et al (hereinafter, "Bowman").

In this response, applicants have amended claims 1, 8, 18 and 27. Applicants have also cancelled claim 5 and added new claim 29. Support for the amendments to claims 1, 18 and 27 and new claim 29 may be found in the specification as originally filed, including the specification at page 18, lines 1-21. Applicants respectfully request reconsideration of pending claims 1-13, 15-21, 23, 24 and 26-28, in view of the foregoing amendments and the following remarks.

II. The Rejection of Independent Claims 1, 8 and 18 Under 35 U.S.C. § 102(b)

In the July 24, 2008 office action, the examiner rejected claims 1, 8 and 18 under 35 U.S.C. § 102(b) as being anticipated by Overaker. As provided in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920

(Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In the present application, applicant respectfully traverses the rejection of claims 1, 8 and 18 under 35 U.S.C. § 102(b), as Overaker does not disclose all the limitations of claims 1, 8 and 18, as set forth in further detail below.

A. Claim 1

Overaker does not include all of the limitations of amended claim 1. For example, Overaker does not include the limitation of “a plurality of radially oriented load transfer supports and at least one hook-shaped prong extending away from each of the load transfer supports ... [with] a second portion extending substantially perpendicular to the first portion in the radial direction”. In addition, Overaker also does not include the limitation that “the second plate includ[es] a substantially flat plate surface and an opposite substantially flat plate surface with a plurality of radially extending bores formed in the second plate, each of the radially extending bores including a ledge positioned therein between the substantially flat plate surface and the opposite substantially flat plate surface”. By contrast, the posts 88 and 96 shown in Figs. 7-13 of Overaker are not *radially extending*. Figs. 7-13 of Overaker also does not disclose “at least one hook-shaped prong extending away from each of the load transfer supports ... in the *radial direction*” Furthermore, Overaker does not show a ledge positioned in a bore wherein the ledge is located between the flat plate surface and the opposite flat plate surface.

For at least the reasons discussed above, Overaker does not disclose all limitations of claim 1 of the present application. Accordingly, it is respectfully submitted that claim

1 is allowable and the examiner's rejection of claim 1 as anticipated by Overaker under 35 U.S.C. § 102(b) should be withdrawn.

B. Claim 8

Overaker does not disclose all the limitations of claim 8. For example, Overaker does not disclose a first plate that “includes a dome portion extending substantially across an upper surface of the upper plate, the dome portion defining a convex articulating surface”, as set forth in amended claim 8. In the July 24, 2008 Office action, the examiner argued that the edge portion of load support 12 shows a domed portion including a convex articulating surface. Applicant respectfully submits that such a dome surface is not shown in Overaker. However, claim 8 has been amended in this response to further clarify the dome portion. Overaker clearly does not show “a dome portion extending substantially across an upper surface of the upper plate” as set forth in amended claim 8. Instead, as shown in Fig. 1 and 2 of Overaker, the load support 12 has an upper surface 12a that is substantially flat with a plurality of perforations 22.

For at least the reasons discussed above, Overaker does not disclose all limitations of claim 8 of the present application. Accordingly, it is respectfully submitted that claim 8 is allowable and the examiner's rejection of claim 8 as anticipated by Overaker under 35 U.S.C. § 102(b) should be withdrawn.

C. Claim 18

Overaker does not include all of the limitations of amended claim 18. For example, Overaker does not include the limitation of “a plurality of load transfer supports

... said load transfer supports including a plurality of substantially rectangular walls extending radially outward from said upper and lower center bores". A form of this limitation was originally found in claim 27, and the limitation has now been incorporated into independent claim 18.

In the July 24, 2008 Office action, the examiner did not even attempt to establish where the limitation of previous claim 27 is found in Overaker, even though claim 27 was rejected under 35 U.S.C. § 102(b) as being anticipated by Overaker. Indeed, there is no disclosure in Overaker of such load transfer supports. Instead, the posts 88 and 96 shown in Figs. 7-13 of Overaker are circular and do not extend *radially outward*.

For at least the reasons discussed above, Overaker does not disclose all limitations of amended claim 18 of the present application. Accordingly, it is respectfully submitted that claim 18 is allowable and the examiner's rejection of claim 18 as anticipated by Overaker under 35 U.S.C. § 102(b) should be withdrawn.

III. The Rejection of Independent Claim 1 Under 35 U.S.C. § 103(a)

In the July 24, 2008 office action, the examiner rejected independent claim 1 under 35 U.S.C. § 103(a) as being obvious and unpatentable over Bowman. In this response, Applicant respectfully traverses the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a).

The Examiner's rationale for a finding of obviousness in the July 24, 2008 Office action is not specifically stated in the context of the examples of MPEP § 2143. However, Applicant notes that pursuant to MPEP 2143, "the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed

invention would have been obvious.” Furthermore, in order to establish a *prima facie* case of obviousness, three basic criteria should be met as set forth in MPEP § 2143.01-2143.03. First, all claim limitations must be considered. MPEP § 2143.03. Second, there must be some suggestion or motivation to modify the references or combine reference teachings. MPEP § 2143.01. Third, there must be a reasonable expectation of success. MPEP § 2143.02.

In the present case, it is respectfully submitted that Bowman does not teach or suggest all the limitations of amended claim 1. One example of a limitation of claim 1 that is not taught or suggested by the cited references is that of “a plurality of radially oriented load transfer supports and at least one hook-shaped prong extending away from each of the load transfer supports ... [with] a second portion extending substantially perpendicular to the first portion in the radial direction”. Thus, Bowman does not disclose all the limitations of independent claim 1. Accordingly, it is respectfully submitted that the examiner’s 35 U.S.C. 103(a) rejection of claim 1 should be withdrawn.

IV. Dependent Claims 2-7, 9-13, 15-17, 19-21, 23, 24, 27 and 29

Dependent claims 2-7, 9-13, 15-17, 19-21, 23, 24, 27 and 29 depend from and incorporate all the limitations of one of allowable independent claims 1, 8, or 18. Accordingly, it is respectfully submitted that dependent claims 2-7, 9-13, 15-17, 19-21, 23, 24, 27 and 29 are also allowable for at least the same reasons the independent claims 1, 8 and 18 are allowable.

IV. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

/Russell E. Fowler II/

Russell E. Fowler II
Attorney Registration No. 43,615

Please address correspondence to:

Paul J. Maginot
Maginot Moore & Beck
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5115

Telephone: (317) 638-2922
Facsimile: (317) 638-2139
Email: pjmaginot@maginot.com